

**SOLANA BEACH CITY COUNCIL
REDEVELOPMENT AGENCY AND PUBLIC FINANCING AUTHORITY**

JOINT **REGULAR** MEETING

MINUTES

**WEDNESDAY, NOVEMBER 28, 2007
6:00 P.M.**

CITY COUNCIL CHAMBERS
635 S. HIGHWAY 101,
SOLANA BEACH, CALIFORNIA

The City Council acts as the City of Solana Beach Redevelopment Agency and the Public Financing Authority.

CALL TO ORDER AND ROLL CALL:

Present: Heebner, Kellejian, Roberts, Nichols, and Campbell.

Absent: None.

Also Present: David Ott, City Manager
James Lough, City Attorney
Angela Ivey, City Clerk
Dennis Coleman, Finance Director
Park Morse, Interim Deputy City Mgr.
Chandra Collure, City Engineer
Steve Didier, Management Analyst
Tina Christiansen, Community Development Dir.

FLAG SALUTE:

APPROVAL OF AGENDA:

MOTION: Moved by Roberts and seconded by Kellejian to approve except for Item #4 and changing the order of some items. **Motion carried unanimously.**

PRESENTATION:

Beach Monitoring Program - Coastal Frontiers Corp.

Greg Harrin, Coastal Fronteirs, presented a Powerpoint.

Council, staff and consultant disussion ensued regarding how sand declines from the beach, that the Marine Safety department had watched and confirmed Coastal Frontiers findings, how the dredge of the nearby lagoon affects Solana Beach sand, the affects of El Nina and El Nino, and that some of the consultant's findings were suprising to them as well that were due to specific swells and were validated by various comparisons to ensure the interpretation was accurate.

ORAL COMMUNICATIONS:

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip to the City Clerk (located on the back table). Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Items can be referred to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES as per SBMC . (Be aware of the timer lights on the Council dais.)

Scott Billington stated that he was required to obtain permission from the Coastal Commission for his project and their staff informed him that his project would be denied, that brush needed to be removed from the lagoon area of his property, that the Coastal Commission still blind sided him with more severe restrictions, and that it was too difficult to work with the Coastal Commission.

Gerri Retman announced an invitation to the City's Holiday Party.

COMMUNITY ANNOUNCEMENTS:

Council presented their announcements.

COMMENTARY:

Council presented their commentary.

CONSENT CALENDAR: (Action Items) (Items 1-6)

Items listed on the Consent Calendar are considered routine; however, any member of the public may address the City Council on an item of concern by submitting to the City Clerk a request to speak form before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while all other Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

MOTION: Moved by Roberts and seconded by Kellejian to approve the Consent

Items. **Motion carried unanimously.**

1. Waive text reading of ordinances

Recommendation: That the City Council

- A. Approve waiving the text reading of ordinances on this agenda pursuant to Solana Beach Municipal Code Section 2.04.460.

MOTION: Moved by Roberts and seconded by Kellejian **Motion carried unanimously.**

2. List of Demands

Recommendation: That the City Council

- A. Ratify the List of Demands dated October 27, 2007 through November 9, 2007.

MOTION: Moved by Roberts and seconded by Kellejian **Motion carried unanimously.**

3. Approve Parcel Map for 804 Ida Avenue

Recommendation: That the City Council

A. Adopt Resolution 2007-175:

1. Approving the final parcel map for the two lot residential minor subdivision at 804 Ida Avenue.
2. Authorizing the City Engineer to sign the final parcel map as technically correct.
3. Authorize the release of the final parcel map for recordation.

MOTION: Moved by Roberts and seconded by Kellejian **Motion carried unanimously.**

5. Terminating the California Public Entity Insurance Authority Joint Powers Agreement

Recommendation: That the City Council

- A. Adopt Resolution 2007-174, terminating the California Public Entity Insurance Authority Joint Powers Agreement.

MOTION: Moved by Roberts and seconded by Kellejian **Motion carried unanimously.**

6. Resolution of Denial without prejudice of a Development Review Permit and Structure Development Permit for a 2-story residence at 130 S. Granados Ave. (Case: 17-06-32; Tim & Ann McCormick)

Recommendation: That the City Council

- A. Adopt Resolution 2007-177, denying a request for a development review permit and a structure development permit for a new two story residence on a vacant lot at 130 S. Granados Ave.

MOTION: Moved by Roberts and seconded by Kellejian **Motion carried unanimously.**

STAFF REPORT

14. Review of FY 2007-08 Community Grant Program Requests for Financial Assistance

Recommendation: That the City Council

- A. Listen to the grant applicants presentations.
- B. Council review and determine the selection of qualified applicants that closely meets the required criteria under Council Policy No. 14.

Dennis Coleman, Finance Director, presented a powerpoint

The following applicants presented their formal requests:

California Foundation for International Arts - Fillipo Floridio

Boys and Girls Club - Bradley Cox

Project Turnaround - Nydia Abney

Solana Beach Little League - Ed Murphy and Michael Thurston

Kids Korps - Veronica Baker

North Coastal Repertory Theatre - Bridget Murphy

Playrights Project
San Dieguito Alliance - Barbara Gordon

PUBLIC HEARING: (Item 4)

4. Approve an Amendment to SANDAG'S 2006 Regional Transportation Improvement Program

Recommendation: That the City Council

- A. Adopt Resolution 2007-171, approving an amendment to SANDAG's 2006 Regional Transportation Improvement Program (RTIP) for fiscal years 2006 through 2011

David Ott, City Manager, introduced the item.

Council and staff discussed future bonding and reserves.

Mayor Heebner opened the public hearing.

MOTION: Moved by Kellejian and seconded by Roberts to close the public hearing. **Motion carried unanimously.**

Council and staff discussed what to do if still in deficit after this process and that this funding would be a significant portion of funding needed for the Highway 101.

MOTION: Moved by Roberts and seconded by Kellejian **Motion carried unanimously.**

PUBLIC HEARINGS continued: (Items 7-9)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip to the City Clerk (located on the back table). After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designee for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each. Please be aware of the three-minute timer light on the Council Dais.

7. Proposed Development Review Permit for property located at 401 Glencrest Drive (Case # 17-07-17 DRP Applicants: Doug Sampson

and Marla Hatrak

Recommendation: That the City Council

- A. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
- B. Adopt Resolution No. 2007-170, conditionally approving the request for a Development Review Permit to demolish the existing 2,858 square foot single-family residence that was destroyed by fire and construct a new 3,545 square foot single-family residence at a maximum height of 16 feet and requiring a total 125 cubic yards of cut and 50 cubic yards of fill with 75 cubic yards of export at 401 Glencrest Drive.

David Ott, City Manager, introduced the item.

Corey Johnson, Associate Planner, presented a PowerPoint.

Council and staff discussed a letter received from Mr. Shaler regarding his concerns about the project, that the applicant will not be grading into the adjacent property, the form letter generated by the applicant that the neighbors signed in support, the HOZ zone that has been in affect for many years, that the fall line of the hill is determined and verified by the APN book and the map and if something is not confirming then staff asks for a survey, and that the line could be somewhat subjective since it was not surveyed.

Mayor Heebner opened the public hearing.

Damian Bomhover, representing the applicants, said that this is a rebuild after the house was destroyed by fire, that the site is challenging since it is defined by the HOZ and restrictions by slopes, that all four members of the Sampson family are hearing impaired and the design is meant to keep them in eye contact with each other as much as possible in their daily routine, and that the courtyard with views to the interior was intended for this internal visual contact.

Council, staff and consultant discussion ensued regarding the grading issue on the retaining wall, that the the architect met with Barton Shaler to address their concerns, that the applicant and staff said they were confident that they should be able to construct the wall without grading on the neighbor's property, that the applicant would prefer a wood burning fire place, and how to resolve the potential view blockage by the chimney.

Barton Shaler said that the wall would not be 2 inches from his property line and that they need 2 feet behind the wall to build it, that he had received a letter today

from Doug Sampson to move the wall 3 feet from his property line and he would agree to that, that he would prefer that the fence be left open, that he would potentially lose 80-90% of his backyard property view, and that his block could be preserved by reducing the pitch of the roof.

Council and Barton Shaler discussed a letter submitted to Council that Mr. Shaler had signed, that Mr. Shaler said that he did not read it in detail when he signed it, that he thought the height was now different from when he signed it, and some of his view would be preserved if the pitch was lowered to lower the roof and then the chimney.

Council discussed the fact that Council does not have the authority to regulate anything that is 16 ft. or less, that the neighbors can work it out voluntarily, that this issue would and did not trigger a view assessment, that it was not a view blockage issue for Council's consideration, whether the chimney would exceed the 16 ft. now, and the fence detail allowed in terms of open air.

Corey Johnson, Associate Planner, said that the fence height would be determined from the existing grade, that a fence of 6 ft. or less would not usually be required to meet other specifications or the neighbor's requests, and that the project is conditioned to not build a fence over 6 ft.

Bob Scott, applicant representative, stated that the slope was established by the overall zoning map and then the rule applies for the specifics on the site, that they checked the boundaries for the connectivity with outside property boundaries, that they presented the combination of county composite maps with their project to confirm the boundaries, that the view assessment process had run its course and that the neighbor's mention of the backyard view may not be the primary view.

Council and Mr. Bomhover said that his client wrote Mr. Shaler about the concerns and would agree to move the retaining wall beyond 3 ft. from the neighbor's property line so that there was no question about grading on the adjacent property, to construct and chimney heights within the city's regulations, and work with Mr. Shaler to choose an appropriate material for the fence.

MOTION: Moved by Roberts and seconded by Nichols to close the public hearing.
Motion carried unanimously.

Council made their disclosures of their familiarity with the project site.

MOTION: Moved by Kellejian and seconded by Roberts to approve with modifications. **Motion carried unanimously.**

Mayor Heebner recessed the meeting at 8:15 p.m. for a break.
Mayor Heebner reconvened the meeting at 8:20 p.m.

8. Proposed Emergency CUP for a Seawall at 233 S. Helix Ave., Solana Beach, (CUP Case No: 17-07-19; Applicant: Surfsong Condominiums Homeowners Association)

Recommendation: That the City Council

- A. Find the project exempt from the requirements of CEQA pursuant to 2007 State California CEQA Guidelines §15269(b) as a documented emergency exists; and
- B. Adopt Resolution 2007-176, approving a conditional use permit for the construction of a 138 foot long, 35 foot high seawall to support the lower and mid bluff against failure at 233 S. Helix Ave.

MOTION: Moved by Campbell and seconded by Nichols to close the public hearing. **Motion carried unanimously.**

David Ott, City Manager, introduced the item.

Leslea Meyerhoff, Consultant, presented a Powerpoint.

Council discussed the deed restriction and the issues related to the draft Local Coastal Plan.

Mayor Heebner opened the public hearing.

Bob Trettin, applicant, representing Surfsong Homeowners Association, said that one correction to the staff report was that no work had been going on at Surfsong, that two requests had been approved by Council in the past, that this request would be completely for coastal bluff protection for residential areas above them, that the bluff is hovering on severe damage and complete failure, that they asked to have a CC&R recorded which was being accepted by the Coastal Commission now, and that the ownership had voted to give the Board authority to handle it in order to expedite the response to an emergency.

John Steel, applicant, said that he lived in Surfsong and served as the Chair of their architectural committee. He said that this request was part of an 8 million dollar improvement project. that they intend to comply with the City's LUP, that they intend to have owners bound to the process by the CC&R recorded documents, and asked Council to approve the emergency seawall request.

MOTION: Moved by Kellejian and seconded by Roberts to approve with modifications. **Motion carried unanimously.**

Council made their disclosures with the familiarity of the project.

9. Proposed new two-story residence at 354 Pacific Ave. (Case: 17-07-05 DRP/SDP; Applicant: Cenci Properties)

Recommendation: That the City Council

- A. Find the project exempt from the California Environmental Quality Act pursuant to Section 15332 of the State CEQA Guidelines; and
- B. Adopt the Resolution 2007-085 conditionally approving a Development Review Permit and Structure Development Permit to construct a new single-family residence on property at 354 Pacific Avenue.

David Ott, City Manager, introduced the item.

Kathy Johnson, Assistant Planner, presented a Powerpoint.

Mayor Heebner opened the public hearing.

Council made their disclosures regarding their familiarity of the property.

MOTION: Moved by Roberts and seconded by Campbell to close the public hearing. **Motion carried unanimously.**

MOTION: Moved by Roberts and seconded by Kellejian **Motion carried unanimously.**

Councilmember Roberts left the meeting at 9:00 p.m.

STAFF REPORTS: (Items 10-16)

Submit speaker slips to the City Clerk.

10. Accept conceptual design study report prepared by Noble Consultants for the Del Mar shores Beach Stairway Access

Recommendation: That the City Council

- A. Adopt Resolution 2007-180:
 1. Accepting Conceptual design study prepared by Noble Consultants
 2. Directing Staff to apply for grant funding for construction of

the stairway.

3. Directing Staff to proceed to issue request for proposals to consultants to prepare final design plans for the stairway.

MOTION: Moved by Nichols and seconded by Kellejian to approve with options noted. **Motion carried 4/0/1** (Absent: Roberts.)

David Ott, City Manager, introduced the item.

Chandra Collure, City Engineer, presented a Powerpoint.

Council and staff discussion ensued regarding the consultant not recommending repair due the severity of the damage, potential alternatives for cost savings, potential materials to use for the steps, and some concerns about size of landing where people congregate and for turning radius.

11. Discussion and Direction: Legal Non-Conforming Residential Buildings

Recommendation: That the City Council

- A. Direct Staff to return with a draft ordinance for proposed adoption. The clarifications and changes to the non-conforming provisions of the Solana Beach Municipal Code will assist staff in making administrative decisions which will allow the continued proper maintenance, repair and refurbishment of existing residential structures in order to protect health, safety and the welfare of the community.

MOTION: Moved by Heebner and seconded by Campbell **Motion carried 4/0/1** (Absent: Roberts.)

David Ott, City Manager, introduced the item.

Tina Christensen, Community Development Director, presented a Powerpoint.

Council and staff discussion ensued regarding detached garages that may burn down, delays that prevent the rebuild within the time parameter, and to grant extensions for certain qualified delays.

Dan Chambers suggested addign some clarifying language to address a calamity, like a damage may be caused to a home from an external source like a truck driving into a home.

Council and staff discussed that a good portion of the community was currently non-conforming, that the intent would not be to eliminate the structures but allow them to be refurbished as long as they are not expanding the building or intensity of the use, that an extended period for fire would make sense, and to return with clarification language.

12. Memorandum of Understanding between Co-Permittees Regarding Sharing of Costs Associated with Prosecution of Unfunded State Mandates Claim (NPDES/Stormwater Program)

Recommendation: That the City Council

- A. Adopt Resolution 2007-168, ratifying participation in the joint action and authorizing the City Manager and the City Attorney to work with their respective joint committees in the County on implementing this MOU.

MOTION: Moved by Nichols and seconded by Campbell **Motion carried 4/0/1** (Absent: Roberts.)

13. Approve List for Coastal Rail Trail Planting Replacement Project

Recommendation: That the City Council

- A. Adopt Resolution 2007-172:
 1. Approving the landscape replacement plant list to plant new and replacement trees and shrubs along the Coastal Rail Trail on the east side of Highway 101.
 2. Authorizing the City Engineer to advertise for construction bids.

MOTION: Moved by Heebner and seconded by Campbell **Motion carried 4/0/1** (Absent: Roberts.)

David Ott, City Manager, introduced the item.

Council discussed the work of the Ad Hoc Committee, Heebner and Nichols, that they worked with staff to identify which trees were not doing well and other issues that needed to be addressed including some hyper seeding, invasive species, poor pruning, and the need for an arborist to supervise pruning.

David Ott, City Manager, said that staff had instituted an oversight program with

the new landscaping contract, Blue Sky, as well as a weekly walk through program with the public works supervisor.

Council and staff discussed the need to specify to the vendors that the Coastal Rail Trail was a unique type of garden requiring special landscaping, obtaining a status report on the potential SDG&E funding for organic gardening, and addressing some flexible needs for the bike lane areas.

15. Establish the I-5 Construction Standing Committee

Recommendation: That the City Council

- A. Adopt Resolution 2007-179 establishing the I-5 Construction Standing Committee.
- B. Appoint two Councilmembers to serve on the Committee.

MOTION: Moved by Nichols and seconded by Campbell to approve Deputy Mayor Kellejian and Councilmember Roberts. **Motion carried 4/0/1** (Absent: Roberts.)

David Ott, City Manager, introduced the item.

Deputy Mayor Kellejian asked that his background be considered for his serving on this Ad Hoc.

Council discussion ensued regarding any conflicts of interest, that many issues came up during Deputy Mayor Kellejian's four years on the Transportation Committee that were not considered conflicts, and that some cities have a representative and two alternates.

James Lough, City Attorney, answered an inquiry regarding conflicts stating that only if Councilmembers arrive at a collective decision would this appointment affect the City and that the votes at Sandag are made as Sandag members.

16. Establish the Fletcher Cove Ad Hoc Committee

Recommendation: That the City Council

- A. Adopt Resolution 2007-178 establishing the Fletcher Cove Ad Hoc Committee to expire on November 28, 2007.
- B. Appoint two Councilmembers to serve on the Committee.

MOTION: Moved by Nichols and seconded by Kellejian to approve and appoint Mayor Heebner and Councilmember Campbell. **Motion carried 4/0/1** (Absent: Roberts.)

ORDINANCE INTRODUCTION: 1st Reading (Items 17-18)

Submit speaker slips to the City Clerk.

17. Responsible Sales and Service of Alcoholic Beverages Ordinance

Recommendation: That the City Council

- A. Introduce Ordinance No. 371 requiring Responsible Beverage Service training for people who serve and sell alcoholic beverages.

MOTION: Moved by Nichols and seconded by Kellejian **Motion carried 4/0/1** (Absent: Roberts.)

David Ott, City Manager, introduced the item.

Dismas Abelman, Deputy Fire Chief, reviewed the purpose and benefits of the ordinance

Council and staff discussion ensued regarding the time requirements for training.

Judy Strange (6 min donated by Lisa Silverman) said that she supported the effort and cited the training offered.

James Lough, City Attorney, read the title of the ordinance.

18. Citizen Boards, Commissions and Committees Municipal Code Update

Recommendation: That the City Council

- A. Introduce Ordinance 370, amending Chapters 2.60, 2.62, 2.64 , 2.72, and 17.63 and adding Chapters 2.74 and 2.84 revising the five Citizen Commissions.
- B. Adopt Resolution 2007-160, identifying specific duties for the Budget and Finance Commission by resolution.
- C. Direct staff to return with the Background Check Policy for Volunteers.

James Lough, City Attorney, read the title of the ordinance.

MOTION: Moved by Campbell and seconded by Heebner **Motion carried 4/0/1** (Absent: Roberts.)

ORDINANCE ADOPTION: 2nd Reading NONE
Submit speaker slips to the City Clerk.

WORKPLAN COMMENTS: (Adopted June 27, 2007)
Material is located in front section of agenda binder.

COUNCIL COMMITTEE REPORTS:

Please state the committee you are speaking to before making each report.

Regional Committees: (outside agencies)

1. **California Cities Contract Association (CCCA) - Roberts, Heebner (alternate).**
2. **City Selection Committee - Kellejian (meets twice a year)**
3. **County Service Area 17 - Campbell, Nichols (alternate).**
4. **Escondido Creek Watershed Authority - Nichols, Roberts (alternate).**
5. **League of Ca. Cities' San Diego County Executive Committee and its' Subcommittees - Roberts, Kellejian (alternate).**
6. **League of Ca. Cities' Local Legislative Committee - Roberts, Kellejian (alternate).**
7. **League of Ca. Cities' Coastal Cities Issues Group (CCIG) - Roberts, Kellejian (alternate).**
8. **North County Dispatch JPA - Nichols, Campbell (alternate).**
9. **North County Transit District - Roberts, Heebner (alternate).**

10. **Regional Solid Waste Association (RSWA) - Nichols, Kellejian (alternate).**
11. **SANDAG & its' subcommittees - Heebner (Primary), Roberts (1st alternate), Nichols (2nd alternate).**
12. **SANDAG Shoreline Preservation Committee - Kellejian, Roberts (alternate).**
13. **San Dieguito River Valley JPA - Roberts, Nichols (alternate).**
14. **San Elijo JPA - Campbell, Roberts (both primary members) (no alternates).**
15. **22nd Agricultural District Association Community Relations Committee - Roberts, Campbell (alternate).**

Council made their committee reports.

Standing Committees: (All Primary Members) (Permanent Committees)

1. **Business Liaison Committee - Roberts, Campbell.**
2. **School Relations Committee - Roberts, Campbell.**
3. **Public Arts Committee - Roberts, Nichols.**
4. **Traffic Transportation - Heebner, Kellejian.**
5. **Highway 101 / Cedros Ave. Development Committee - Heebner, Nichols.**

COMPENSATION & REIMBURSEMENT DISCLOSURE:

GC: Article 2.3. Compensation: 53232.3. (a) ... Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

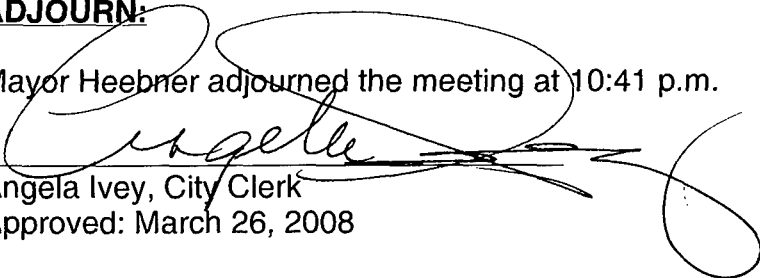
Council disclosed their compensation and reimbursement.

Ad Hoc Committees: (All Primary Members) (Temporary Committees)

1. **Local Coastal Plan Ad-Hoc Committee - Roberts, Campbell. Expires February 14, 2008 or at the California Coastal Commission adoption.**
2. **Sand Replenishment Alternative Review - Kellejian, Campbell. Expires January 25, 2007.**
3. **Views and Vegetation Subcommittee - Roberts, Nichols. Expires October 24, 2008.**
4. **Development Review - Heebner, Nichols. Expires November 29, 2008..**
5. **La Colonia Park Needs Assessment - Heebner, Nichols. Expires June 13, 2008.**
6. **Condo-Hotel - Heebner, Campbell. Expires October 24, 2008.**
7. **Solana Beach Mixed-Use Train Station Project Ad Hoc Committee - Heebner, Nichols.**

ADJOURN:

Mayor Heebner adjourned the meeting at 10:41 p.m.



Angela Ivey, City Clerk
Approved: March 26, 2008